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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,156	05/14/2001	Lee Goodman	74120-301394	1127
25764	7590	01/24/2006	EXAMINER	
FAEGRE & BENSON LLP PATENT DOCKETING 2200 WELLS FARGO CENTER MINNEAPOLIS, MN 55402			HYUN, SOON D	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/855,156	<b>Applicant(s)</b> GOODMAN, LEE	
	<b>Examiner</b> Soon D. Hyun	<b>Art Unit</b> 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, and 6-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Randic (U.S. Patent No. 6,275,797).

Regarding claims 1 and 15, Randic discloses a method of testing voice call quality for VOIP network comprising:

enabling a communication device (a receiving computer 14 in FIG. 1) connected to the VOIP network (FIG. 1, col. 3, lines 8-14) to answer a test call (sending a voice test file 23 by a sending computer 12 in FIG. 1) received over the VOIP network by playing a voice file (a voice test file 23 previously stored in the receiving computer 2, col. 3, lines 55-57);

generating the test call (by the sending computer 12 in FIG. 1) over the VOIP network to the communication device; and

measuring voice call listening quality from the voice file played by the communication device (col. 6, lines 19-43).

Regarding claim 2, Randic further discloses that each of the receiving computer includes a gateway function (de-compression and de-encapsulation, col. 5, lines 10-13).

Regarding claim 6, Randic further teaches that AVR in the receiving computer (24 in FIG. 4, col. 3, lines 50-61) is an interactive response unit within the communication device to answer the test call.

Regarding claim 7, Randic further discloses a step of controlling the sending computer (a test probe as recited in the claim) to place the test call to the communication device (col. 3, lines 8-14), i.e., the sending computer is a test probe.

Regarding claim 8, Randic further discloses that the sending computer is used to measure the voice call listening quality (col. 3, lines 8-14),.

Regarding claim 9, Randic further discloses that the sending computer is connected to the VOIP network over an IP connection (col. 3, lines 8-14).

Regarding claim 10, refer to the discussion for claims 1, 7, and 8. Randic further discloses that the sending computer 12 generates test calls to a plurality of communication devices (receiving computers 14, 16, 18 in FIG. 1). The embedded voice files played by the receiving computers are voice test files 23 in the receiving computers.

Regarding claim 11, Randic further discloses that each of the receiving computer includes a gateway function (de-compression and de-encapsulation, col. 5, lines 10-13).

Regarding claim 12, Randic further discloses that each of the receiving computers is a VOIP telephone (col. 3, lines 8-14).

Regarding claim 13, refer to the discussion for claim 1. Randic further discloses that a computer readable medium is used for the method (see claim 22 of Randic).

Regarding claim 14, refer to the discussion for claims 1, 7, 8, 10, and 11.

Randic discloses a voice call quality testing system comprising:

a plurality of VOIP gateways (receiving computers 14, 16, 18 in FIG. 1) deployed at various points along a border of VOIP network (FIG. 1), each of the gateways includes an Interactive Voice Response (IVR) (an AVR 24 in FIG. 4), responsive to receipt of a test call over the VOIP network by a gateway associated with the IVR to answer the test call by playing an embedded voice file;

a test probe (each receiving computer) coupled to the VOIP network to test voice call listening quality in the VOIP network by generating test calls (by a sending computer 12 in FIG. 1) to each of the plurality of gateways (receiving computers 14, 16, 18), recording (interpreting by AVR, col. 6, lines 19-29) the embedded voice files (voice test files 23 in the receiving computers) played by each of the plurality of gateways and measuring voice listening quality of the test calls by comparing the recorded embedded voice files to a reference voice file transmitted from the sending computer and received (stored) by the receiving computer(s).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Randic (U.S. Patent No. 6,275,797) in view of Tomberlin (U.S. Patent No. 6,834,040)

Refer to the discussion for claim 1. However, Randic does not teach a perceptual test model such as PSQM or PAMS to the voice call listening quality. Tomberlin teaches that PAQM and PAMS are known industry standards to measure the perceptual voice listing quality with objective quality factors (col. 2, lines 43-63). Those of skill in the art would have been motivated by the Tomberlin to have perceptual listing quality with quality factors in Randic using the PAMS or PAMS models. Therefore, it would have been obvious to one having ordinary skill in the art to incorporate PAMS or PQSM to get a perceptual quality for VOIP communications.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soon D. Hyun whose telephone number is 571-272-3121. The examiner can normally be reached on M-F.

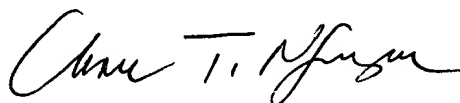
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



S. Hyun  
01/20/2006



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